

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

MELISSA NOVAK, Individually §
and in behalf of daughter §
KIMBERLY NOVAK, a minor §
§
Plaintiff §
§
v. § CIVIL ACTION NO. 6:05cv252
§
JASON SHEETS, ET AL. §
§
Defendants § JUDGE SCHNEIDER
§ JURY DEMANDED
§

AFFIDAVIT OF MINOR CHILD KIMBERLY NOVAK

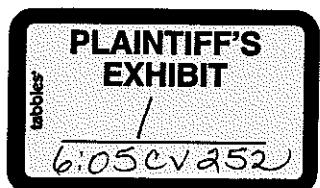
Comes now Minor Child Kimberly Novak who being duly sworn upon her oath states as follows:

I

My name is Kimberly Novak. The above styled case has been filed in my behalf. I was 14 years old at the time of the attack and am 15 years old now. This affidavit is based on my personal knowledge.

II

Evidently the police were at my home on March 26, 2005 in the first place because my cousin's fianceé, Brittany had filed a false complaint against my mother. Brittany got into an argument with my mother at our home on March 26, 2005 when my mother told Brittany to turn her radio down. However, nobody at my house touched Brittany and Brittany did not have any marks on her when she left. Brittany has been known to hurt herself for attention.



III

I have never used Meth in my life. I had no alcohol or drugs that day except medicine for a headache. I also passed a urine test to show that I had not consumed any alcohol or drugs.

IV

I was talking to Defendant Deputy Sheets when my sister came up and Defendant Deputy Sheets told her to shut the "f" up. I told Defendant Deputy Sheets not to talk to my sister that way and proceeded to walk towards my mother. I never used the "f" word at any time.

V

Defendant Deputy Sheets grabbed me by the ponytail and slung me up against the car. Defendants Deputy Sheets, Villa and Garrigan jumped on me and one of the defendants, believed to be Sheets struck me in the jaw with something hard.

VI

I was already handcuffed when Defendant Bean yanked me straight up off the ground and maced me.

VII

I did not do anything to provoke this senseless attack. I was not armed, I did not resist arrest, I posed no significant threat to any of the defendants or anyone else. I did not violate any law in the presence of any of the defendants.

VIII

I suffered significant injuries. It hurt when I was maced. My jaw was bruised and swollen. I got my jaw checked and looked at at the Mother Frances Emergency Room and for a couple of weeks afterward the attack I would just break down and cry. It made me afraid of police officers.

IX

Brittany's fianceé did not have any injuries.

X

The only two dogs at the scene were restrained.
Further affiant sayeth not.

Kim Novak
KIMBERLY NOVAK

STATE OF TEXAS *
*
COUNTY OF NACOGDOCHES *

SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned Notary
Public on this the 4th day of January, 2005.

Tom J. Tomlin
Notary Public in and for

Nacogdoches County, Texas

My commission expires: 5/6/08

